



General Assembly

Amendment

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SB0035705889HDO

Offered by:

REP. ROY, 119th Dist.

REP. SCHOFIELD, 16th Dist.

REP. BYE, 19th Dist.

REP. ARESIMOWICZ, 30th Dist.

SEN. MEYER, 12th Dist.

To: Subst. Senate Bill No. 357

File No. 441

Cal. No. 499

**"AN ACT CONCERNING THE EXPANSION OF THE BEVERAGE
CONTAINER REDEMPTION PROVISIONS TO INCLUDE
NONCARBONATED BEVERAGES."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective January 1, 2009*) Each state agency, as
4 defined in section 1-79 of the 2008 supplement to the general statutes,
5 that occupies or manages a state building, facility or park shall, within
6 the existing resources of such state agency, develop and execute a list
7 of proposed actions concerning sustainability for such agency's state
8 buildings, facilities or parks. Such list shall include, but not be limited
9 to, methods to increase energy efficiency, provision of a sufficient
10 number of recycling receptacles, a preference for the use of
11 biodegradable cleaning products when feasible and appropriate

12 disposal of recyclable materials. Such list may be based on the model
13 list developed in accordance with section 504 of this act, and shall be
14 filed with the Department of Environmental Protection no later than
15 March 1, 2009. For the purposes of this section, "state building" means
16 buildings and real property owned or leased by the state.

17 Sec. 502. (NEW) (*Effective from passage*) (a) If funds become available,
18 from either governmental or private sources, the Commissioner of
19 Environmental Protection shall establish a single-stream or enhanced
20 dual-stream recycling pilot program to provide grants to
21 municipalities chosen by the commissioner, (1) one or more of which
22 shall be rural, (2) one or more of which shall be suburban, and (3) one
23 or more of which shall be urban. A trash hauler serving a municipality
24 that does not offer trash collection services as a municipal service may
25 apply for such a grant. Each grant shall be for no more than fifty per
26 cent of the estimated costs for the implementation of the pilot program.
27 The commissioner may give preference to municipalities that do not
28 have existing curbside recycling programs. If the trash hauler or
29 municipality selected to receive a grant already has an existing single-
30 stream or enhanced dual-stream recycling pilot program, grant
31 funding shall be limited to reimbursement for the costs related to
32 gathering data to evaluate such program and providing such data to
33 the commissioner. The commissioner may use any funds received as
34 contributions from governmental or private sources for purposes of
35 such pilot program. The pilot program shall terminate eighteen
36 months after the disbursement of the grant funds. For the purposes of
37 this subsection, "rural" means a municipality with a population of ten
38 thousand or less, "suburban" means a municipality with a population
39 of more than ten thousand and less than seventy thousand, "urban"
40 means a municipality with a population of seventy thousand or more
41 and "population" means the number of people residing in a
42 municipality according to the most recent version of the Connecticut
43 Register and Manual.

44 (b) A municipality or an eligible trash hauler may apply for a grant
45 for such program by submitting an application to the commissioner on

46 forms prescribed by the commissioner. The commissioner may reject
47 any grant application that the commissioner determines to be
48 incomplete. If the commissioner rejects an application, the
49 commissioner shall promptly notify the applicant of the reasons for the
50 rejection and, not later than fifteen days after the date of such notice,
51 such applicant may resubmit the application in the same manner as the
52 original application.

53 (c) Each municipality or trash hauler selected by the commissioner
54 to receive a grant for such pilot program shall submit a single-stream
55 or enhanced dual-stream recycling plan for the commissioner's
56 approval. Such plan shall include: (1) An estimate of the operational
57 and capital expenses and income required to implement the plan over
58 a two-year period, (2) goals for recycling, (3) an estimate of savings in
59 tipping fees, if applicable, (4) a method for tracking the actual cost of
60 the program, (5) a method for calculating the actual savings of the
61 program, and (6) any additional information required by the
62 commissioner.

63 (d) The commissioner shall evaluate the results of the pilot program
64 using the methodology developed in accordance with section 504 of
65 this act, and three months after the termination of the pilot program,
66 the commissioner, shall submit the evaluation to the commission
67 established under section 504 of this act.

68 (e) No municipality shall terminate, transfer or otherwise displace
69 any municipal employee as a result of the participation of such
70 municipality or a trash hauler serving such municipality in the grant
71 program established under this section.

72 Sec. 503. (NEW) (*Effective from passage*) (a) If funds become available,
73 from either governmental or private sources, the Commissioner of
74 Environmental Protection shall establish a recycling incentive pilot
75 program to provide grants to municipalities chosen by the
76 commissioner, (1) one or more of which shall be rural, (2) one or more
77 of which shall be suburban, and (3) one or more of which shall be

78 urban. A trash hauler serving a municipality that does not offer trash
79 collection services as a municipal service may apply for such a grant.
80 Such grants shall be used by the municipalities or trash haulers to
81 establish a system for households and businesses within a
82 municipality to pay no fee for recycling and to pay for trash removal
83 based upon the volume or weight of solid waste that such households
84 or businesses generate, or establish other incentives, such as retail
85 coupons given as awards for meeting volume benchmarks of recycling
86 quantity per household. Each grant shall be for no more than fifty per
87 cent of the estimated costs for the implementation of the pilot program.
88 If the municipality or trash hauler selected to receive a grant already
89 has an existing recycling incentive pilot program, grant funding shall
90 be limited to reimbursement for the costs related to gathering data to
91 evaluate such program and providing such data to the commissioner.
92 The commissioner may give preference to municipalities that do not
93 have existing curbside recycling programs. The commissioner may use
94 any funds received as contributions from governmental or private
95 sources for purposes of such pilot program. The pilot program shall
96 terminate eighteen months after the disbursement of the grant funds.
97 For the purposes of this section, "rural" means a municipality with a
98 population of ten thousand or less, "suburban" means a municipality
99 with a population of more than ten thousand and less than seventy
100 thousand, "urban" means a municipality with a population of seventy
101 thousand or more and "population" means the number of people
102 residing in a municipality according to the most recent version of the
103 Connecticut Register and Manual.

104 (b) In order to be considered for such a grant a municipality or an
105 eligible trash hauler may apply for a grant for said program by
106 submitting an application to the commissioner on forms prescribed by
107 the commissioner. The commissioner may reject any grant application
108 that the commissioner determines to be incomplete. If the
109 commissioner rejects an application, the commissioner shall promptly
110 notify the applicant of the reasons for the rejection and, not later than
111 fifteen days after the date of such notice, such applicant may resubmit

112 the application in the same manner as the original application.

113 (c) Each municipality or trash hauler selected by the commissioner
114 to receive a grant for said pilot program shall submit a plan for
115 establishing a recycling incentive program for the commissioner's
116 approval. Such plan shall include (1) an estimate of the operational and
117 capital expenses and income required to implement the plan over a
118 two-year period, (2) goals for recycling, (3) an estimate of savings in
119 tipping fees, if applicable, (4) a method for tracking the actual cost of
120 the program, (5) a method for calculating the actual savings of the
121 program, and (6) any additional information required by the
122 commissioner.

123 (d) The commissioner shall evaluate the results of the pilot program
124 using the methodology developed in accordance with section 504 of
125 this act, and, three months after the termination of the pilot program,
126 shall submit such evaluation to the commission established under
127 section 504 of this act.

128 (e) No municipality shall terminate, transfer or otherwise displace
129 any municipal employee as a result of the participation of such
130 municipality or a trash hauler serving such municipality in the grant
131 program established under this section.

132 Sec. 504. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of
133 Environmental Protection shall establish a commission to (1) develop
134 and recommend a methodology for evaluating the pilot programs
135 established by sections 502 and 503 of this act, (2) make
136 recommendations for implementation of such programs and for future
137 recycling initiatives, and (3) not later than December 1, 2008, develop a
138 model list for the use of state agencies in accordance with section 501
139 of this act.

140 (b) The commission shall consist of the following members selected
141 from among environmental advocates, grocers, bottlers, trash haulers,
142 end users of recycled material, municipal leaders or other
143 representative interests deemed appropriate by the appointing

144 authority: (1) One member from an environmental advocacy group,
145 appointed by the Connecticut Recyclers Coalition; (2) one member
146 from an environmental advocacy group, appointed by the Sierra Club;
147 (3) one member appointed by the Connecticut Conference of
148 Municipalities; (4) one member, appointed by the Connecticut Food
149 Association; (5) one member appointed by the American Beverage
150 Association; (6) one member, appointed by the Connecticut Resources
151 Recovery Authority; (7) one member, appointed by the Connecticut
152 chapter of the National Solid Waste Management Association; (8) one
153 member representing end users of recycled materials, appointed by the
154 Commissioner of Environmental Protection; and (9) one member
155 appointed by the Tunxis Recycling Operating Committee.

156 (c) All appointments of commission members shall be made not
157 later than August 1, 2008. Any vacancy shall be filled by the
158 appointing authority.

159 (d) The Commissioner of Environmental Protection shall select the
160 chairperson of the commission from among the members of the
161 commission. Not later than September 1, 2008, the chairperson shall
162 schedule the first meeting of the commission.

163 (e) The members of the commission shall serve without
164 compensation.

165 (f) Not later than one month after the Commissioner of
166 Environmental Protection submits an evaluation of the pilot programs
167 in accordance with sections 502 and 503 of this act, whichever is later,
168 the commission shall submit a report on its findings and
169 recommendations to the joint standing committee of the General
170 Assembly having cognizance of matters relating to the environment, in
171 accordance with the provisions of section 11-4a of the general statutes.
172 Such report shall summarize the results of the pilot programs created
173 in sections 502 and 503 of this act.

174 Sec. 505. (NEW) (*Effective October 1, 2008*) The Commissioner of
175 Environmental Protection shall, within available appropriations,

176 develop a public education program to encourage state residents to
177 use biodegradable products and environmentally safe alternatives to
178 plastic bags or packaging and to recycle.

179 Sec. 506. (NEW) (*Effective October 1, 2008*) (a) Each municipality shall
180 offer curbside recycling to all residents and businesses for which such
181 municipality provides municipal curbside collection of solid waste,
182 except that the provisions of this section shall not apply to any
183 municipality that the Commissioner of Environmental Protection
184 determines recycles municipal solid waste in a percentage that exceeds
185 the state-wide average for the amount of municipal waste that is
186 recycled.

187 (b) Each trash hauler that offers curbside collection of solid waste
188 generated by residential, business, commercial or other establishments
189 in a municipality shall offer curbside recycling to each of such trash
190 hauler's customers at no additional charge above the trash hauler's
191 charge for solid waste collection. The provisions of this subsection
192 shall not be construed to prohibit any trash hauler from determining
193 and adjusting its fees for combined curbside collection services.

194 (c) For the purposes of this section, "curbside recycling" means the
195 collection, by either municipal or private recycling vehicles, of
196 presorted recyclable materials left for such collection by residents and
197 businesses in the front of the property of such residents and
198 businesses, "recyclable materials" means glass, plastic, paper, cans,
199 newspapers, magazines and cardboard, and excludes bulk items such
200 as furniture, demolition waste or trees, and "collector" shall have the
201 same meaning as in subsection (g) of section 22a-220a of the general
202 statutes.

203 Sec. 507. (NEW) (*Effective October 1, 2008*) (a) Each public place shall
204 provide recycling receptacles at the same location as trash receptacles
205 that are accessible to the public. For the purpose of this section, "public
206 place" means any privately owned area or building, or portion thereof,
207 that is open to the public during normal business hours, including, but

208 not limited to, any (1) building that provides facilities or shelter for
209 public assembly, (2) inn, hotel, motel, sports arena, supermarket,
210 transportation terminal, retail store, restaurant or other commercial
211 establishment that provides services or retails merchandise, and (3)
212 museum, hospital, auditorium, movie theater and university building.
213 "Public place" does not include any building owned or leased by the
214 state or any political subdivision thereof.

215 (b) The Commissioner of Environmental Protection shall adopt
216 regulations, in accordance with the provisions of chapter 54 of the
217 general statutes, to implement the provisions of this section.

218 (c) Any person who violates this section may be subject to a civil
219 penalty of not more than one thousand dollars for each offense. Each
220 violation of this section shall be a separate and distinct offense, and, in
221 case of a continuing violation, each day's continuance thereof shall be
222 deemed to be a separate and distinct offense. The Attorney General,
223 upon the request of the Commissioner of Environmental Protection,
224 shall bring an action in superior court for the judicial district of
225 Hartford to recover such penalty.

226 Sec. 508. (NEW) (*Effective October 1, 2008*) (a) No cleaning or
227 janitorial service employer shall combine segregated items required to
228 be recycled pursuant to subsection (a) of section 22a-241b of the
229 general statutes with nonrecyclable solid waste.

230 (b) Any employer that violates subsection (a) of this section shall be
231 subject to a civil penalty of five hundred dollars for each offense. Each
232 violation of said subsection shall be a separate and distinct offense,
233 and, in case of a continuing violation, each day's continuance thereof
234 shall be deemed to be a separate and distinct offense. The Attorney
235 General, upon the request of the Commissioner of Environmental
236 Protection, shall bring an action in superior court for the judicial
237 district of Hartford to recover such penalty. For the purposes of this
238 section, "employer" means one or more individuals, partnerships,
239 associations or corporations or other entity which employs persons.

240 Sec. 509. Section 22a-241b of the general statutes is repealed and the
241 following is substituted in lieu thereof (*Effective October 1, 2008*):

242 (a) (1) On or before February 1, 1988, the Commissioner of
243 Environmental Protection shall adopt regulations in accordance with
244 the provisions of chapter 54 designating items that are required to be
245 recycled. The commissioner may designate other items as suitable for
246 recycling and amend said regulations accordingly. (2) On or before
247 February 1, 2009, the Commissioner of Environmental Protection shall
248 amend the regulations adopted under subdivision (1) of this
249 subsection to require items made of polyethylene terephthalate plastic
250 and high density polyethylene plastic to be recycled.

251 (b) Any item designated for recycling pursuant to subsection (a) of
252 this section shall be recycled by a municipality within three months of
253 the establishment of service to such municipality by a regional
254 processing center or local processing system.

255 (c) On and after January 1, 1991, (1) each person who generates solid
256 waste from residential property shall, in accordance with subsection (f)
257 of section 22a-220, separate from other solid waste the items
258 designated for recycling pursuant to subdivision (1) of subsection (a)
259 of this section, and (2) every other person who generates solid waste
260 shall, in accordance with subsection (f) of section 22a-220, make
261 provision for the separation from other solid waste of the items
262 designated for recycling pursuant to subdivision (1) of subsection (a)
263 of this section. On and after January 1, 2010, the provisions of this
264 subsection shall also apply to items designated for recycling pursuant
265 to subdivision (2) of subsection (a) of this section."